

State Water Resources Control Board

Division of Drinking Water

May 4, 2017

System No. 3500823

Garry Solmonson, Board President
Best Road Mutual Water Company
550 Heatherwood Estates Dr.
Hollister, CA 95023

COMPLIANCE ORDER NO. 02_05_17R_001

VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1) AND (a)(3), AND CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533(a)

Enclosed is a Compliance Order issued to the Best Road Mutual Water Company public water system.

The Best Road Mutual Water Company will be billed at the State Water Resources Control Board's (hereinafter "State Board") hourly rate for the time spent on issuing this Compliance Order. California Health and Safety Code, Section 116577, provides that a public water system must reimburse the State Board for actual costs incurred by the State Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a compliance order. At this time, the State Board has spent approximately two hours on enforcement activities associated with this violation.

The Best Road Mutual Water Company will receive a bill sent from the State Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Best Road Mutual Water Company for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Compliance Order contains the relevant statutory provisions for filing a petition for reconsideration. (Health and Safety Code, Section 116701).


Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Jonathan Weininger of my staff at (831) 655-6932 or me at (831) 655-6934.

Sincerely,

A handwritten signature in blue ink that reads "Jan Sweigert". The signature is written in a cursive, flowing style.

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008-1830-0004-5435-2794

cc: San Benito County Environmental Health Department

5 **STATE OF CALIFORNIA**
6 **STATE WATER RESOURCES CONTROL BOARD**
7 **DIVISION OF DRINKING WATER**
8
9

10 **Name of Public Water System: Best Road Mutual Water Company**
11

12 **Water System No: 3500823**
13

14 **To:** Garry Solmonson, Board President
15 Best Road Mutual Water Company
16 550 Heatherwood Estates Dr.
17 Hollister, CA 95023
18
19

20 **Issued:** May 4, 2017
21

22 **COMPLIANCE ORDER FOR VIOLATION OF**
23 **HEALTH AND SAFETY CODE SECTION 116555 (a)(1) and (a)(3) AND**
24 **CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64533(a)**
25

26 **January – March 2017**
27

28 The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes
29 the State Water Resources Control Board (hereinafter "State Board") to issue a compliance
30 order to a public water system when the State Board determines that the public water

1 system has violated or is violating the California Safe Drinking Water Act (hereinafter
2 "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section
3 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

4 The State Board, acting by and through its Division of Drinking Water (hereinafter
5 "Division") and the Deputy Director for the Division, hereby issues this Compliance Order
6 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the Best Road Mutual
7 Water Company (hereinafter "Best Road MWC") for violation of CHSC, Section
8 116555(a)(1) and (a)(3) and California Code of Regulations (hereinafter "CCR"), Title 22,
9 Section 64533(a).

10
11 A copy of the applicable statutes and regulations are included in Appendix 1, which is
12 attached hereto and incorporated by reference.

13 14 **STATEMENT OF FACTS**

15 Best Road MWC is classified as a community water system and serves a population of
16 approximately 133 individuals through 48 service connections. Best Road MWC uses two
17 active groundwater wells identified as Well 01 and Well 02. Permitted treatment
18 technologies include blending for arsenic and chlorination/filtration for iron and manganese.
19 Best Road MWC is currently exceeding the arsenic maximum contaminant level ("MCL") in
20 the water provided to its customers, which is documented within Compliance Order
21 02_05_16R_005, dated November 4, 2016.

22
23 Pursuant to CCR, Title 22, Section 64534.2(d)(5), Best Road MWC is required to collect
24 one dual distribution system sample per quarter (taken every 90 days) for total
25 trihalomethanes ("TTHM") and haloacetic acids (five) ("HAA5"). Under CCR, Title 22,
26 Section 64535.2(e)(1), compliance with the TTHM MCL of 0.080 mg/L (80 ug/L) and HAA5

MCL of 0.060 mg/L (60 ug/L) is based on a locational running annual average (hereinafter "LRAA") calculated quarterly, for each monitoring location.

A summary of Best Rd MWC's TTHM and HAA5 results at its approved sample location (830 Foxhill Circle) and reported to the State Board via Electronic Data Transfer to the corresponding Primary Station Code (3500823-801) is presented in Table 1.

Table 1: TTHM and HAA5 Results in ug/L

Site: 830 Foxhill Circle		8/10/2016	11/8/2016	2/8/17
		3Q2016	4Q2016	1Q2017
TTHM	Result	160	56	160
	LRAA			94
HAA5	Result	130	66	300
	LRAA			124

LRAA = Locational Running Annual Average:

Calculation: $(3Q2016 + 4Q2016 + 1Q2017) / 4$

Bold indicates exceedance of MCL based on LRAA

DETERMINATION

CCR, Title 22, Division 4, Chapter 15.5, Article 2, establishes primary drinking water standards and monitoring and reporting requirements for disinfection byproducts. Community and nontransient noncommunity water systems must comply with the MCL for TTHM (0.080 mg/L) and HAA5 (0.060 mg/L), as established in CCR, Title 22, Section 64533. Section 64535.2(e)(1) specifies that compliance with the TTHM and HAA5 MCLs is based on a LRAA of the quarterly monitoring samples, computed each quarter.

As shown in Table 1, the LRAA for the 1st quarter 2017 at the 830 Foxhill Circle sampling location exceeds both the TTHM MCL of 80 ug/L and the HAA5 MCL of 60 ug/L.

On the basis of the above Statement of Facts, the State Board has determined that Best Road MWC violated CHSC and CCR, Title 22, Section 64533(a) during the first quarter of 2017.

These violations include the following:

1. CHSC Section 116555(a)(1). Specifically, Best Road MWC is operating a water system that produces water that does not comply with a primary drinking water standard at all times.
2. CHSC Section 116555(a)(3). Specifically, Best Road MWC is operating a water system that does not reliably provide water that is pure, wholesome, healthful and potable water.
3. CCR, Title 22, Section 64533(a). Specifically, Best Road MWC has failed to comply with the TTHM MCL of 0.080 mg/L and the HAA5 MCL of 0.060 mg/L.

DIRECTIVES

The Best Road Mutual Water Company is hereby directed to take the following actions:

1. Comply with CCR, Title 22, Section 64533(a).
2. Commencing on the date of service of this Order, provide quarterly public notification pursuant to CCR, Title 22, Section 64463.4, during any calendar quarter

that the four-quarter Locational Running Annual Average exceeds the TTHM and/or HAA5 MCL. The public notification for the first quarter of 2017 shall be distributed by **May 17, 2017** in accordance with the directives of this Order. Appendix 2: Notification Template may be used to fulfill this Directive. The distribution of the notification must be completed by the following methods:

- (a) Direct distribution by hand delivery or direct mailing
- (b) Posting in conspicuous public places served by the water system

3. A draft copy of the public notification required in Directive 3 must be submitted to the State Board for approval prior to distribution.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Appendix 3 hereto.
5. Commencing on the date of service of this Order, continue to collect at least quarterly TTHM and HAA5 samples from the approved Disinfection By-Product Rule sample location (830 Foxhill Circle). All analytical results shall be reported to the State Board electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.
6. Prepare a Corrective Action Plan for State Board approval that identifies improvements to the Best Road MWC water system designed to correct the water quality problem (violation of the TTHM and HAA5 MCLs) and ensure that Best Road MWC delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule with dates for completion of each

1 of the milestones of the project which may include but are not limited to planning
2 (i.e. additional water quality samples, modeling, alternatives analyses and piloting),
3 financing, design, construction, and startup, and a date as of which Best Road
4 MWC will be in compliance with the TTHM and HAA5 MCLs in the distribution
5 system. Please note that CCR, Title 22, Section 64533(c) lists Best Available
6 Technologies, treatment technologies, and other means for achieving compliance
7 with the TTHM and HAA5 MCLs.

8
9 The Compliance Action Plan shall be sent to the State Board no later than **August**
10 **10, 2017**. The Compliance Action Plan shall include a final date of compliance with
11 the TTHM and HAA5 MCLs in the distribution system, which shall be no later than
12 **June 30, 2020**.

- 13
- 14 7. On or before **July 10, 2017**, meet with the State Board in person at the State
15 Board's office located at 1 Lower Ragsdale Drive, Building 1, Suite 120, Monterey,
16 California to present an in-progress or draft Corrective Action Plan and discuss
17 Best Road MWC's proposed path towards compliance as described in this Order.
18 Please contact the Monterey District office in advance to schedule an appointment.
19
- 20 8. Complete the State Board approved Corrective Action Plan and each and every
21 element of said plan according to the time schedule set forth therein.
22
- 23 9. On or before **October 10, 2017**, and every three months thereafter, submit a
24 progress report to the State Board showing actions taken during the previous
25 calendar three months to comply with the Corrective Action Plan, using the form
26 provided as Appendix 4 hereto. The following due dates for each calendar quarter
27 are as follows:
28

Calendar Quarter	Progress Report Due Date
January 1 – March 30	April 10
April 1 – June 30	July 10
July 1 – September 30	October 10
October 1 – December 31	January 10

10. Not later than ten (10) days following the date of compliance with the TTHM and HAA5 MCLs as specified in the Corrective Action Plan required in Directive 6, demonstrate to the State Board that the water delivered by the Best Road MWC complies with the TTHM and HAA5 MCLs.

11. Notify the State Board in writing no later than five (5) days prior to the deadline for performance of any directive set forth herein if Best Road MWC anticipates it will not timely meet such performance deadline.

12. Until returning to compliance, all future annual Consumer Confidence Reports shall include the following information related to this Order: the length of the violation, potential adverse health effects of total trihalomethanes and haloacetic acids five, and actions taken by the water system to address the violations. A draft Consumer Confidence Report shall be submitted to the State Board for review and approval prior to distribution each year.

All submittals required by this Order shall be electronically submitted to the State Board at the following address. The subject line for all electronic submittals corresponding to this Order shall include the following information: Water System name and number, order number and title of the document being submitted.

1 Jan Sweigert, P.E.
2 District Engineer, Monterey District Office
3 Dwpdist05@waterboards.ca.gov
4

5 The State Board reserves the right to make such modifications to this Order as it may deem
6 necessary to protect public health and safety. Such modifications may be issued as
7 amendments to this Order and shall be effective upon issuance.
8

9 Nothing in this Order relieves the Best Road Mutual Water of its obligation to meet the
10 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
11 commencing with Section 116270), or any regulation, standard, permit or order issued or
12 adopted thereunder.
13

14 **PARTIES BOUND**

15 This Order shall apply to and be binding upon the Best Road Mutual Water Company its
16 owners, shareholders, officers, directors, agents, employees, contractors, successors, and
17 assignees.
18


18 **SEVERABILITY**

19 The directives of this Order are severable, and Best Road Mutual Water Company shall
20 comply with each and every provision thereof notwithstanding the effectiveness of any
21 provision.
22

23 **FURTHER ENFORCEMENT ACTION**

24 The California SDWA authorizes the State Board to: issue a citation or order with
25 assessment of administrative penalties to a public water system for violation or continued
26 violation of the requirements of the California SDWA or any regulation, permit, standard,
27 citation, or order issued or adopted thereunder including, but not limited to, failure to correct
28 a violation identified in a citation or compliance order. The California SDWA also authorizes
29 the State Board to take action to suspend or revoke a permit that has been issued to a

1 public water system if the public water system has violated applicable law or regulations or
2 has failed to comply with an order of the State Board, and to petition the superior court to
3 take various enforcement measures against a public water system that has failed to comply
4 with an order of the State Board. The State Board does not waive any further enforcement
5 action by issuance of this Compliance Order.

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7
8 
9 Stefan Cajina, P.E., Chief
10 North Coastal Section
11 State Water Resources Control Board
12 Division of Drinking Water
13

14 Date

May 4, 2017



14 Appendices (4):

- 15
16 1. Applicable Statutes and Regulations
17 2. Notification Template
18 3. Compliance Certification Form
19 4. Quarterly Progress Report Form
20

21 Certified Mail No. 7008-1830-0004-5435-2794

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
For Compliance Order No. 02_05_17R_001
TTHM and HAA5 Maximum Contaminant Level Exceedance

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 (Transition of CDPH duties to State Board) states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
- (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116555 (Operational Requirements) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116655 (Orders) states:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the state board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the state board.

California Code of Regulations, Title 22 (CCR):**§64530. Applicability of Chapter 15.5 (Disinfection Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors.**

(a) Community water systems and nontransient noncommunity water systems that treat their water with a chemical disinfectant in any part of the treatment process or which provide water that contains a chemical disinfectant shall comply with the requirements of this chapter beginning on the dates specified in paragraphs (1) or (2), except as provided for in subsections (c) and (d).

- (1) Systems using approved surface water and serving 10,000 or more persons shall comply beginning January 1, 2002.
- (2) Systems using approved surface water and serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water shall comply beginning January 1, 2004.

(b) Transient noncommunity water systems using chlorine dioxide shall comply with the requirements for chlorine dioxide in this chapter beginning on the dates specified in paragraphs (1) or (2).

- (1) Systems using approved surface water and serving 10,000 or more persons shall comply beginning January 1, 2002.
- (2) Systems using approved surface water and serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water shall comply beginning January 1, 2004.

(c) Community water systems, and nontransient noncommunity water systems serving at least 10,000 persons, using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light shall comply with the Individual Distribution System Evaluation (IDSE) requirements of 40 Code of Federal Regulations, parts 141.600 and either 141.601 and 141.605, 141.602 and 141.605, 141.603, or 141.604 (71 Fed. Reg. 388 (January 4, 2006); as amended at 74 Fed. Reg. 30953 (June 29, 2009)), which are incorporated by reference.

(d) Community water systems and nontransient noncommunity water systems using a primary or residual disinfectant other than ultraviolet light or delivering water that has been treated with a primary or residual disinfectant other than ultraviolet light shall:

- (1) Comply with the applicable TTHM and HAA5 compliance date in table 64530-A;

Table 64530-A: TTHM and HAA5 Compliance Dates

Systems of this type...

Shall comply with TTHM and HAA5 monitoring pursuant to section 64534.2(d) by...

(a) Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system and serving a population of...	(1) $\geq 100,000$	April 1, 2012
	(2) 50,000 – 99,999	October 1, 2012
	(3) 10,000 – 49,999	October 1, 2013
	(4) $< 10,000$	October 1, 2013, if no <i>Cryptosporidium</i> monitoring is required pursuant to 40 Code of Federal Regulations part 141.701(a)(4) (71 Fed. Reg. 654 (January 5, 2006)), which is incorporated by reference; or

		October 1, 2014, if <i>Cryptosporidium</i> monitoring is required pursuant to 40 Code of Federal Regulations part 141.701(a)(4) or (a)(6) (71 Fed. Reg. 654 (January 5, 2006)), which are incorporated by reference.
(b) Other consecutive or wholesale systems that are part of a combined distribution system		At the same time as the system with the earliest compliance date in the combined distribution system.

- (2) Systems required to conduct quarterly monitoring for TTHM and HAA5 pursuant to section 64534.2(d) shall:
- (A) Begin monitoring in the first full calendar quarter that includes the compliance date in table 64530-A; and
 - (B) Make compliance calculations at the end of the fourth calendar quarter that follows the compliance date in table 64530-A and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters).
- (3) Systems required to conduct monitoring at a frequency that is less than quarterly shall:
- (A) No later than 12 months after the compliance date in table 64530-A, begin monitoring in the calendar month recommended in the IDSE report prepared pursuant to section 64530(c) or the calendar month identified in the monitoring plan developed pursuant to section 64534.8; and
 - (B) Make compliance calculations beginning with the first compliance sample taken after the compliance date in table 64530-A.

§64533. Maximum Contaminant Levels for Disinfection Byproducts.

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A

Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection Byproduct	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Total trihalomethanes (TTHM)	0.080	
Bromodichloromethane		0.0010
Bromoform		0.0010
Chloroform		0.0010
Dibromochloromethane		0.0010
Haloacetic acids (five) (HAA5)	0.060	
Monochloroacetic Acid		0.0020
Dichloroacetic Acid		0.0010
Trichloroacetic Acid		0.0010
Monobromoacetic Acid		0.0010
Dibromoacetic Acid		0.0010
Bromate	0.010	0.0050 0.0010 ¹
Chlorite	1.0	0.020

¹ For analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0

§64534.2 (Disinfection Byproducts Monitoring) (d) states:

By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):

- (1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8;

Table 64534.2-C

Routine Monitoring Frequency for TTHM and HAA5

Source water type	Persons served	Minimum monitoring frequency ¹	Monitoring period ²
		Number of distribution system monitoring locations	
Systems using approved surface water	≥5,000,000	20 dual sample sets	per quarter
	1,000,000 – 4,999,999	16 dual sample sets	per quarter

	250,000 – 999,999	12 dual sample sets	per quarter
	50,000 – 249,999	8 dual sample sets	per quarter
	10,000 – 49,999	4 dual sample sets	per quarter
	3,301 – 9,999	2 dual sample sets	per quarter
	500 – 3,300	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement	per quarter
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement ³	per year
Systems using ground water not under direct influence of surface water	≥500,000	8 dual sample sets	per quarter
	100,000 – 499,999	6 dual sample sets	per quarter
	10,000 – 99,999	4 dual sample sets	per quarter
	500 – 9,999	2 dual sample sets	per year
	<500	1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement ³	per year

¹ All systems shall monitor during the month of highest disinfection byproduct concentrations.

² Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.

³ Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

Section 64535.2 (Compliance Requirements) (e) states:

TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(d), shall be determined as follows:

- (1) For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in section 64533;
- (2) For systems monitoring annually or less frequently, each sample collected shall not exceed the MCLs specified in section 64533. If no sample exceeds the MCL, the sample result for each monitoring location shall be considered the LRAA for the monitoring location. If any sample exceeds the MCL, systems shall increase monitoring pursuant to section 64534.2(d)(5). Compliance with the MCL shall then be determined by the average of the sample that triggered the quarterly monitoring and the following three quarters of monitoring, unless the result of fewer than four quarters of monitoring will cause the LRAA to exceed the MCL, in which case the system is in violation immediately. After monitoring quarterly for four consecutive quarters (including the quarter that triggered the quarterly monitoring), and until such time as monitoring returns to routine monitoring pursuant to section 64534.2(d)(5), compliance shall be determined pursuant to paragraph (1);
- (3) If a system fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data. If more than one sample per quarter is taken at a monitoring location, all the samples taken in the quarter at that monitoring location shall be averaged to determine a quarterly average to be used in the LRAA calculation; and
- (4) If the LRAA exceeds the MCL, calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters), the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

Section 64463.4 (Tier 2 Public Notice) states:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
 - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
 - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
 - (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
 - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
 - (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
 - (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 - 1. Publication in a local newspaper;
 - 2. Posting in conspicuous public places served by the water system, or on the Internet; or
 - 3. Delivery to community organizations.
 - (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
 - (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 - 1. Publication in a local newspaper or newsletter distributed to customers;
 - 2. E-mail message to employees or students;
 - 3. Posting on the Internet or intranet; or
 - 4. Direct delivery to each customer.

Section 64465 (Public Notice Content and Format) states in relevant part:

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
 - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;
 - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
 - (5) Whether alternative water supplies should be used;

- (6) What actions consumers should take, including when they should seek medical help, if known;
 - (7) What the water system is doing to correct the violation or occurrence;
 - (8) When the water system expects to return to compliance or resolve the occurrence;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
 - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and
 - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
- (2) For a Tier 2 or Tier 3 public notice:
 - (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
 - (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
 - 1. Information in the appropriate language(s) regarding the importance of the notice; or
 - 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and
 - (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
 - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

Appendix 64465-G (Health Effects Language – Disinfection Byproducts, Byproduct Precursors, and Disinfectant Residuals) states in relevant part:

Contaminant	Health Effects Language
TTHMs [Total Trihalomethanes]:	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.
Haloacetic Acids	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Section 64469 (Reporting Requirements) states in relevant part:

- (d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

Section 64481 (Content of the Consumer Confidence Report) states in relevant part:

- (d) For contaminants identified in subsection (c), the water system shall include in the Consumer Confidence Report one table or several adjacent tables that have been developed pursuant to this subsection. Any additional monitoring results that a water system chooses to include in its Consumer Confidence Report shall be displayed separately.
 - (3) The table(s) shall clearly identify any data indicating violations of MCLs, regulatory action levels, MRDLs, or treatment techniques and the Consumer Confidence Report shall give information on each violation including the length of the violation, potential adverse health effects (PDWS only), and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language pursuant to appendices 64465-A through H;

APPENDIX 2. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Por favor hable con alguien que lo pueda traducir.

**Best Road Mutual Water Company Has Levels of Total
Trihalomethanes (TTHM) and Haloacetic Acids (Five) (HAA5)
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Compliance for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) is determined by a locational running annual average (LRAA) of quarterly sample results taken from our distribution system sample.

Water sample results received on February 8, 2017 showed TTHM levels of 0.160 mg/L for an LRAA of 0.094 mg/L. This is above the standard or maximum contaminant level (MCL), of 0.080 milligrams per liter.

Water sample results received on February 8, 2017 showed HAA5 levels of 0.300 for an LRAA of 0.124 mg/L. This is above the standard or MCL, of 0.060 milligrams per liter.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.* If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done? _____

[Describe corrective action] _____

We anticipate resolving the problem within [estimated time frame] _____

For more information, please contact:

[Name of Contact] _____

[Phone Number] or _____

[Mailing Address] _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.
- This notice is being sent to you by the Best Road Mutual Water Company in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: **3500823**

Date distributed: _____

APPENDIX 3. COMPLIANCE CERTIFICATION

Compliance Order No. 02_05_17R_001

Name of Water System: Best Road Mutual Water Company

System Number: 3500823

Certification

I certify that the users of the water supplied by this water system were notified of the violations of California Code of Regulations, Title 22, as indicated below:

Required Action	Date Completed
Mail or Direct delivery of notice	
Posting in conspicuous public places served by the water system	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed to the water system's customers.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE BOARD, DIVISION OF DRINKING WATER
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Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.

APPENDIX 4. QUARTERLY PROGRESS REPORT

Compliance Order No. 02_05_17R_001

Water System: Best Road Mutual Water Company	Water System No: 3500823
Violation: TTHM and HAA5 MCL Violation	
Calendar Quarter:	Date Prepared:

Summary of Compliance Plan

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Tasks Completed in the Quarter

--

Tasks Remaining to Complete

--

Anticipate Compliance Date*:

* Date shall not be later than July 30, 2020

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System Representative Name & Title: _____

System Representative Signature: _____

This form should be prepared and signed by the water system personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress must be submitted by the 10th day of the month following the end of each subsequent quarter.